

BOARD OF COUNTY COMMISSIONERS
JUNE 23, 2020
PLANNING CASE #PLN20-025: SUBDIVISION EXEMPTION, CLASS 6 LOT LINE
VACATION; LOTS 62 AND 63, TRACT C, OLD KEYSTONE GOLF COURSE SUBDIVISION
CONSENT AGENDA

PROJECT INFORMATION:

Location: Lots 62 and 63, Tract C, Old Keystone Golf Course Subdivision; 150 and 160 Elk Cir. (CR 154)

Project/Request: Lot Line Vacation Subdivision Exemption

ISSUES:

None

PLANNING COMMISSION RECOMMENDATION:

The Snake River Planning Commission does not make a recommendation on Lot Line Vacations

RESOLUTION STATUS

Draft Resolution Attached

STAFF RECOMMENDATION:

Approval with six findings and one condition

ATTACHMENTS:

- A. Old Keystone Golf Course Subdivision Plat, a Resubdivision of Tract C and D (Reception No. 553525)
- B. Restrictive Covenant
- C. Exhibit A to the Covenant
- D. Draft Resolution



STAFF REPORT

TO: Board of County Commissioners

FROM: Jessica Potter, Senior Planner

FOR: Regular Meeting of June 23, 2020

SUBJECT: PLN20-025 – Lot Line Vacation

APPLICANT/OWNER: Jeffrey Kohn

REQUEST: A request to vacate the lot line between Lot 62 and 63, Tract C, Old Keystone Golf Course Subdivision; a total of 0.505 acres; zoned Keystone Resort PUD.

APPLICATION MATERIALS:

Up until a decision is made by the final Review Authority, the Applicant’s Submittal Materials can be found at <http://www.summitcountyco.gov/254/Projects-Under-Review> and are hereby incorporated into the official record in their entirety. Once a final decision has been made, the Submittal Materials can be obtained and/or reviewed at the Planning Department.

PROJECT DESCRIPTION

Location: 150 and 160 Elk Circle (CR 154)

Legal Description: Lots 62 and 63, Tract C, Old Keystone Golf Course Subdivision, a Resubdivision of Tract C and D

Existing Zoning: Keystone Resort PUD

Existing/Proposed Use: Single-Family Residential

Other Uses: No new uses

Total site area: 0.505

Adjacent land uses:

- East:** Single-Family Residential; Lot 64, Old Keystone Golf Course Subdivision
- West:** Single-Family Residential; Lot 61, Old Keystone Golf Course Subdivision
- North:** Elk Circle and Golf Course
- South:** Golf Course

DEVELOPMENT REQUIREMENTS:

	<u>Required</u>	<u>Proposed</u>
Density limit:	1 unit / platted lot	No changes

BACKGROUND:

On December 5, 1997 the plat creating the subject parcels, Old Keystone Golf Course Subdivision, a Resubdivision of Tracts C and D, was recorded at Reception Number 553525. According to the County Assessor records, a 4,655 square foot single family home was constructed in 2001 on Lot 62. Lot 63 is vacant. Both lots are solely owned by the applicant, Jeffrey Kohn. The applicant is requesting to vacate the lot line between the two lots resulting in one larger lot.

CRITERIA FOR DECISION

According to Section 8402.01.F of the Summit County Land Use and Development Code “Code”, a request for an adjustment or vacation shall meet the following criteria, to be approved by the Summit County Board of County Commissioners “BOCC”:

1. The adjustment or vacation procedure has not been used to circumvent the intent of the Subdivision Regulations.
2. The lots resulting from the adjustment or vacation are in compliance with the County's Zoning Regulations (Chapters 3-4).
3. Easements necessary for the provision of utilities are not affected or have been relocated to the satisfaction of the utility companies.
4. If the request is for a lot line adjustment, the plat illustrating the lot line adjustment is drawn in accordance with standards in these regulations and is suitable for recordation.
5. If the request is for a lot line vacation, the applicant has provided a restrictive covenant against the property that prohibits the vacated lot(s) from being resubdivided or recreated by a subdivision approval, subdivision exemption approval or any other administrative or judicial process.
6. The applicant has provided certification from the County Treasurer that all ad valorem taxes applicable to the proposed subdivision, for years prior to the year in which approval is under consideration, have been paid.
7. For lot line vacations, the resolution of approval states the new lot name as one of the previous lot designations.

The application under consideration is for a lot line vacation. As such, criterion 4 is not considered.

Criterion 1: Compliance with County Subdivision Regulations

The proposed lot line vacation does not create any additional building sites and therefore does not violate the intent of the County's Subdivision Regulations. Approval of this proposal will result in one larger single-family residential lot.

Criterion 2: Compliance with County Zoning Regulations

The purpose and intent of the County's zoning regulations is to ensure compatibility of land uses, efficient and economical use of land, and adequate light and air in development projects. They are also intended to prevent development of areas subject to environmental hazards, and encourage development projects that are functional, exhibit good design and aesthetics, and protect the County's natural resources and scenic beauty.

The property is zoned Keystone Resort PUD, Parcel C, Old Keystone Neighborhood, which allows one single-family residence per platted lot. Vacating the lot line between Lots 62 and 63 will create one larger lot, 0.505 acres in size that will comply with all zoning requirements, including but not limited to setbacks and minimum lot size. Any future development on the subject site will comply with the applicable zoning standards in the Land Use and Development Code and PUD, and the request will not negatively impact the surrounding residential properties. The proposed lot line vacation is consistent with the Zoning Regulations as no new uses are being proposed and density is being reduced by one unit.

Criterion 3: Compliance with Provision of Utilities

The provision of required utilities will not be affected. No utility easements exist between Lots 62 and 63 that are proposed for vacation. Xcel Energy responded that they have no objections to the proposal.

Criterion 5: Restrictive Covenant

The applicant has signed and submitted a restrictive covenant, which prohibits the vacated lot from being re-subdivided or recreated by a subdivision approval, subdivision exemption approval, or any other administrative or judicial process. The restrictive covenant will be recorded concurrently with the resolution of approval.

Criterion 6: Ad Valorem Taxes

The County Treasurer has confirmed that all ad valorem taxes have been paid for 2019.

Criterion 7: New Lot Name

The resolution of approval shall state the new lot name as one of the previous lot designations. The new lot shall be known as Lot 62-R.

STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners approve PLN20-025, a request to vacate the lot line located between Lots 62 and 63, Tract C, Old Keystone Golf Course Subdivision, with six findings and one condition:

Findings:

1. The vacation procedure has not been used to circumvent the intent of the Subdivision Regulations as no new lots are being created through this application.
2. The lot resulting from the vacation is in compliance with the County's Zoning Regulations and because, without limitation, the newly created lot meets the minimum lot size requirement and density is being reduced by one unit.
3. Easements necessary for the provision of utilities are not affected by the lot line vacation.
4. Upon compliance with the condition set forth below, the applicant has provided a restrictive covenant against the property that prohibits the vacated lot from being

resubdivided or recreated by a subdivision approval, subdivision exemption approval or any other administrative or judicial process.

5. All relevant taxes for the subject properties have been paid.
6. The resolution of approval shall state the new lot name as Lot 62-R, Old Keystone Golf Course Subdivision.

Condition:

1. The executed lot line vacation restrictive covenant shall be recorded concurrently with the resolution of approval.